

Environment: strategy for the protection and sustainable use of soil

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By adopting the report by Cristina **GUTTIÉREZ-CORTINES** (EPP-DE, ES), the Committee on the Environment, Public Health and Food Safety amended – at 1st reading of the codecision procedure – the proposal for a directive of the European Parliament and of the Council establishing a framework for the protection of soil and amending Directive 2004/35/EC.

The report aims to include **common objectives** for soil protection by allowing Member States, in accordance with the **subsidiarity principle**, to define their own measures and to set up their own strategies and identification systems, based on their own methodologies.

MEPs underlined that the aim of this Directive is to ensure the protection of soil based on common objectives and respecting the existing national and Community legislation, in order to use the soil in a sustainable manner so that both current and future generations can satisfy their ecological, economic and social needs.

The committee has made some major changes to the Commission's draft proposal as follows:

- the **common objectives** of the directive have been better clarified: the objective of this Directive is to establish a framework for the protection and sustainable use of soil, based on the need to prevent soil degradation, in particular due to climate change, to mitigate its consequences and to restore or remediate degraded soils;

- these objectives must take into account the location specific conditions, and recognise that the soil is, like water, a shared resource for mankind, an ecosystem, a non-renewable resource and a platform for the following environmental, economic, social and cultural functions;

- the Directive lays down measures for the prevention and **control** of avoidable serious soil degradation, caused by a wide range of human activities, with due account also being taken of natural causes, which undermine the capacity of a soil to perform those functions. It lays down measures that improve the soil characteristics and functions, where appropriate;

- this Directive shall apply to soil forming the top layer of the earth's crust, including the liquid and gaseous components; it shall not apply to areas of land in respect of which, prior to [date of entry into force of the Directive];

- the term "risk areas" has been replaced by "**priority areas**". Moreover, a distinction has been made between "polluted" sites (the contamination is caused by man) and "geogenically contaminated soils" (the contamination is caused by geogenic sources, such as parent material and volcanic material);

- the term "**contaminated site**" means a site where there is a confirmed presence on or in the soil, caused by human activities, of dangerous substances of such a level that Member States consider the soil poses a significant risk to human health or the environment, taking the current and approved future use of the site into account;

- MEPs call on the Member States to establish national or regional inventories of contaminated sites which shall be made public and updated at least **every 5 years**, in particular to include new contaminated sites

that have been identified and to exclude sites which have undergone remediation and no longer pose a significant risk to human health or the environment;

- the committee introduces the concept of “**valuable soils**” which means soils meriting protection due to their specific characteristics, structures, outstanding ecological, cultural and/or historical value or due to their use. Member States may promote measures and policies to increase awareness and scientific knowledge about these soils and to protect, preserve and improve their characteristics and functions where possible;

- the committee has also enhanced the role of **exchange of information and coordination**: in this context, it asks the Member States to develop voluntary **codes of good practice** as regards soil protection within five years from its transposition date. A thorough exchange of information is needed to promote the best practices for risk assessment, identification, information of the public and remediation;

- concerning **agricultural use of soil**, the committee proposes that each Member State, in accordance with its climate, soil characteristics and agriculture, as well as its best agricultural practices, may decide upon its own agricultural policy in relation to the soil. It also requests Member States to support agricultural practices which favour the filtering and water retention capacity of the soil, with a view to preventing compaction and erosion and that they promote and exploit research in particular as regards the functions of the different crops in relation to climate change and carbon capture with the aim of integrating this scientifically-based knowledge in the development of soil policy;

- MEPs call on the Member States to, within **7 years** from the transposition date, ensure that a remediation strategy or strategies are drawn up at the administrative level they consider appropriate, including at least a procedure for setting remediation targets, a procedure for prioritisation, a timetable for implementation of remediation measures for contaminated sites;

- MEPs have deleted the article concerning the soil status report, where a site is to be sold on which a potentially polluting activity is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority and to the other party in the transaction;

- within **5 years** from the transposition date, Member States shall identify the areas in their territory, the priority areas, which in their estimation require special protection against one or more of the following soil degradation processes: organic matter decline; an increase in bulk density and a decrease in soil porosity (compaction); salinisation; landslides; subsidence; desertification; adverse effects of climate change on the soil; soil biodiversity loss; acidification.